

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Mercedes Bayon	Team: APU	CCRB Case #: 201411074	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Thursday, 10/23/2014 5:30 PM	Location of Incident: § 87(2)(b)	Precinct: 05	18 Mo. SOL 4/23/2016	EO SOL 4/23/2016	
Date/Time CV Reported Wed, 10/29/2014 12:05 AM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Wed, 10/29/2014 12:05 AM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Calvin Searcy	04349	951228	005 PCT
2. POM Allen Moore	29885	950912	005 PCT
3. POM Ismail Abdullah	07692	942923	005 PCT
4. Officers			005 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Danny Zhang	14836	943983	005 PCT
2. POM Chester Chung	00997	948783	005 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Calvin Searcy	Abuse: PO Calvin Searcy stopped individuals.	
B.POM Allen Moore	Abuse: PO Allen Moore stopped individuals.	
C.POM Calvin Searcy	Discourtesy: PO Calvin Searcy spoke rudely to § 87(2)(b)	
D.POM Calvin Searcy	Force: PO Calvin Searcy used physical force against § 87(2)(b)	
E.POM Allen Moore	Force: PO Allen Moore used physical force against § 87(2)(b)	
F.POM Calvin Searcy	Abuse: PO Calvin Searcy improperly arrested § 87(2)(b)	
G. Officers	Force: Officers used physical force against § 87(2)(b)	
H. Officers	Discourtesy: Officers spoke rudely to § 87(2)(b)	
I.POM Ismail Abdullah	Discourtesy: PO Ismail Abdullah spoke rudely to § 87(2)(b)	
J.POM Ismail Abdullah	Abuse: PO Ismail Abdullah threatened to arrest § 87(2)(b)	

Case Summary

On October 23, 2014, at approximately 5:30 p.m., § 87(2)(b) (encl. 23-29) was inside of Harold Hunter Skatepark located under the Manhattan Bridge. § 87(2)(b) observed PO Calvin Searcy and PO Allen Moore, both assigned to the 5th Precinct, enter the park and approach one young male who he identified as “§ 87(2)(b) (**Allegation A and B**). § 87(2)(b) then ran out of the park and away from PO Searcy and PO Moore. The officers did not pursue him and instead approached a second male, who § 87(2)(b) identified as “§ 87(2)(b) (**Allegation A and B**). § 87(2)(b) stated that both of these males were between 15 and 16 years old. Upon observing PO Searcy and PO Moore approach the second male, § 87(2)(b) approached and got about 4 to 5 feet in distance from PO Searcy, PO Moore, and § 87(2)(b). § 87(2)(b) asked the officers why they were arresting § 87(2)(b) and wanted to know what was happening so that he would be able to relay the incident to § 87(2)(b) parents. PO Moore informed § 87(2)(b) that they received a radio call regarding a fight with a knife and told § 87(2)(b) that he should not be concerned. § 87(2)(b) stated that he needed to be concerned and explained that the situation looked “weird” to him. PO Searcy then allegedly called § 87(2)(b) an “asshole” (**Allegation C**).

PO Searcy and PO Moore began to walk away and § 87(2)(b) began to tell § 87(2)(b) what occurred between himself and the officers. PO Searcy turned around and walked towards them stating, “Hey, shut up. Shut up. Why are you still talking? Shut up.” § 87(2)(b) turned to § 87(2)(b) and told him to be quiet because PO Searcy was going to “play the bully card.” PO Searcy then told § 87(2)(b) to shut up and § 87(2)(b) told PO Searcy that he was a grown man and did not need to shut up and went on to state, “You can’t pull that shit with me. I’m not talking to you. I know my rights.” PO Searcy responded to § 87(2)(b) stating, “Oh you’re a grown man. Tough guy,” and also told § 87(2)(b) who was holding his skateboard at his side, “Why don’t you put your skateboard down and prove to me you’re a tough guy.” § 87(2)(b) responded that he was not going to put down his skateboard. At this time, PO Searcy grabbed § 87(2)(b) s coat near the zipper on his upper chest with his right hand and pushed § 87(2)(b) back and forth while simultaneously grabbing § 87(2)(b) s skateboard with his left hand (**Allegation D**). PO Searcy again told § 87(2)(b) to put down his skateboard and to prove to PO Searcy that he was a “tough guy.” § 87(2)(b) replied that he was not going to put down his skateboard and asked that PO Searcy stop touching him. PO Searcy again grabbed § 87(2)(b) in the same manner near his coat zipper on his upper chest and shook him back and forth (**Allegation D**). As PO Searcy was doing this he stated to § 87(2)(b) “What’s up, you’re gonna do what? You’re gonna do what? Tough guy.” § 87(2)(b) did not make any statements or movements and PO Searcy then asked him for identification several times. § 87(2)(b) inquired as to why PO Searcy wanted to see his identification. PO Searcy then reached for his handcuffs and § 87(2)(b) turned to walk away. PO Searcy and PO Moore grabbed him by the front of his chest and pushed § 87(2)(b) backward over a skateboard obstacle that was behind him (**Allegation D and E**). § 87(2)(b) landed on the ground on his back as PO Searcy attempted to arrest § 87(2)(b) for disorderly conduct and obstruction of governmental administration (**Allegation F**).

While § 87(2)(b) was on the ground, two plainclothes officers, PO Ismail Abdullah and PO Chester Chung, both assigned to the 5th Precinct, approached and assisted PO Moore and PO Searcy in turning § 87(2)(b) over to lie face first on the ground. § 87(2)(b) resisted by holding his hands in front of him and moving his body away from the officers to prevent them from handcuffing him. During this time, he felt an unknown officer strike him once in the ribs while another struck him once in the groin (**Allegation G**). He could not specify which officer took which action, but screamed out, “Why the fuck you punch me in my dick? What’s wrong with ya’ll motherfuckers? Ya’ll motherfuckers is crazy.” While § 87(2)(b) was on the ground

being handcuffed, he heard officers stating, “Turn the fuck around” and “Stop fucking resisting,” but he could not attribute any statement to a particular officer (**Allegation H**). After § 87(2)(b) was handcuffed, he was lifted from the ground, walked to a patrol car, and transported to the 5th Precinct stationhouse by PO Searcy and PO Moore. § 87(2)(b) was arrested and charged with resisting arrest, obstruction of governmental administration, and disorderly conduct.

During § 87(2)(b)'s CCRB interview, he provided video footage of the above interaction. The video footage showed that at approximately 4 minutes and 25 seconds, the male who was recording the incident, identified as § 87(2)(b) screamed, “You wonder why cops get killed out there. It’s because of you guys, yo!” PO Abdullah approached § 87(2)(b). PO Abdullah was holding a large dark object in his right hand. PO Abdullah stated to § 87(2)(b) “Shut the fuck up. If I ever hear you say some shit like that again, I’ll lock you up myself. Threatening to kill us. You coward, shut the fuck up. You’re a punk” (**Allegation I and J**) (encl. 21-22).

During a follow-up telephone conversation with § 87(2)(b) he informed the investigator that he had spoken to § 87(2)(b) prior to appearing at the CCRB and § 87(2)(b) informed § 87(2)(b) that as § 87(2)(b) was being walked out of the skate park, § 87(2)(b) stated, “that’s why they get killed” and that an officer, identified by the CCRB as PO Abdullah, interacted with § 87(2)(b) and exposed his firearm. § 87(2)(b) did not make this observation himself (encl. 23).

Mediation, Civil, and Criminal Conviction Histories

This case was not mediation eligible because § 87(2)(b) was arrested. A Notice of Claim inquiry was submitted and will be included in the case file upon receipt. A search of Office of Court Administration records via § 87(2)(b)'s arrest number and NYSID did not reveal any criminal convictions (encl. 80-81).

Civilian and Officer CCRB Histories

This is § 87(2)(b)'s first CCRB complaint. It is the first CCRB complaint in which § 87(2)(b) has been a party (encl. 7-8).

PO Searcy has been a member of service for three years and has three previous CCRB cases against him involving four allegations, and none of the allegations were substantiated. § 87(2)(g) (encl. 4).

PO Moore has been a member of service for three years and has one previous CCRB case against him involving one allegation, which was not substantiated. § 87(2)(g) (encl. 5).

PO Abdullah has been a member of service for eight years and has no previous CCRB cases against him (encl. 6).

Contact Attempts to Additional Civilians (encl. 87-95)

At the time of § 87(2)(b)'s CCRB interview, he did not have any contact information for § 87(2)(b) or § 87(2)(b) but stated that he would obtain the information and provide it to the undersigned investigator. Between November 14, 2014 and December 2, 2014, the undersigned investigator left § 87(2)(b) two voicemails and also sent him an email requesting information for the additional witnesses to the incident. On December 3, 2014, § 87(2)(b) emailed the undersigned investigator stating that he had not yet obtained contact information for § 87(2)(b) and

§ 87(2)(b) On December 4, 2014, the undersigned investigator called § 87(2)(b) and left him a voicemail message. On December 12, 2014, the undersigned investigator called § 87(2)(b) and he stated that he spoke to the parents of § 87(2)(b) and § 87(2)(b) who each stated that they did not want them to participate with the investigation.

On October 31, 2014, the intake investigator called § 87(2)(b) and scheduled an interview for November 7, 2014. § 87(2)(b) missed his scheduled interview without calling to cancel or reschedule and a missed appointment letter was mailed to his home address. Between November 10, 2014 and December 4, 2014, the undersigned investigator mailed § 87(2)(b) two please call letters and also left him seven voicemail messages asking that he contact the CCRB regarding this incident. None of the letters were returned to the CCRB by the United States Postal Service and a search of the Department of Correction revealed that § 87(2)(b) was not incarcerated.

Findings and Recommendations

Allegations Not Pleaded

A gun drawn allegation has not been pled as § 87(2)(b) did not provide a statement to the CCRB and § 87(2)(b) stated that he did not make the observation himself. As shown in the video footage provided by § 87(2)(b) at approximately 4 minutes and 25 seconds, a plainclothes officer is seen holding a dark object in his right hand as he interacts with § 87(2)(b) who is recording the interaction. This officer was identified by the CCRB as PO Abdullah, who is a black male officer and was dressed in plainclothes. At approximately 4 minutes and 32 seconds, the video shows that the object PO Abdullah is holding bends at one point during his interaction with § 87(2)(b) indicating that the object was not solid like a gun, but malleable like a police hat. Further, prior to PO Abdullah's interaction with § 87(2)(b) at approximately 3 minutes and 51 seconds, a black male officer dressed in plainclothes is observed picking up a dark object from the ground. During PO Abdullah's CCRB interview, he denied that he drew his firearm and stated that he recalled holding his radio in his right hand. Based on the above, it was determined that PO Abdullah did not draw his firearm.

Explanation of Subject Officer Identification

§ 87(2)(b) identified PO Searcy by his name from reading it off of his uniform and stated that PO Searcy had a partner who he described as a black male. Both PO Searcy and his partner were in uniform. PO Searcy identified his partner as PO Moore, a black male. They both confirmed their involvement during the incident at the time of their respective CCRB interviews. As such, the appropriate allegations have been pleaded against them.

As depicted in the video footage, a plainclothes officer approached § 87(2)(b) and cursed at him and threatened to arrest him. PO Abdullah acknowledged being the officer who approached § 87(2)(b) and interacted with him. Therefore, a discourtesy allegation and a threat of arrest allegation have been pleaded against him.

A physical force allegation and discourtesy allegation have been pleaded against "officers" because § 87(2)(b) could not identify or describe which officer made the discourteous statements or which officers punched him in his ribcage and in his groin when he was lying face down on the ground. Further, none of the officers involved in placing § 87(2)(b) in handcuffs admitted to making the alleged statements, using the alleged force against him, or observing another officer do so.

Recommendations

Allegation A: Abuse of Authority: PO Calvin Searcy stopped individuals.

Allegation B: Abuse of Authority: PO Allen Moore stopped individuals.

According to § 87(2)(b) (encl. 23-29), he observed PO Searcy and PO Moore approach one male who he identified as “§ 87(2)(b).” He could not specify exactly what was occurring between the officers and § 87(2)(b) or what was being said, but it appeared as if the officers were trying to grab § 87(2)(b) but within a few seconds of this interaction, § 87(2)(b) ran out of the park and neither officer pursued him. Following this, PO Searcy and PO Moore approached a second male, who § 87(2)(b) identified as “§ 87(2)(b).” During this interaction, the officers appeared to be extending their hands forward towards § 87(2)(b) however, § 87(2)(b) was unable to determine if the officers were making contact with § 87(2)(b). § 87(2)(b) approached as they were interacting with § 87(2)(b) and the officers’ attention then turned to § 87(2)(b). When § 87(2)(b) approached to inquire what was occurring, PO Moore informed § 87(2)(b) that they had received a call regarding a fight with a knife. § 87(2)(b) stated that both § 87(2)(b) and § 87(2)(b) were black males dressed in dark clothing.

According to PO Searcy (encl. 38-41), he and PO Moore received a radio call regarding a dispute with a knife which included a description of a black male wearing a black hoodie and blue jeans. PO Searcy stated that he approached § 87(2)(b) and PO Moore approached § 87(2)(b) and stood about six feet apart. PO Searcy explained that they approached the males to speak to them about the radio call because they fit the provided description. During PO Searcy’s interaction with § 87(2)(b), § 87(2)(b) approached and inquired why the officers were “bothering” the males. When § 87(2)(b) approached, § 87(2)(b) fled the scene. PO Searcy did not pursue § 87(2)(b) for his and PO Moore’s own safety given that there were numerous people in the park. Rather, PO Searcy began interacting with § 87(2)(b). During this time, PO Moore walked away from § 87(2)(b) and drew his attention to PO Searcy and § 87(2)(b). During PO Moore’s CCRB interview (encl. 44-48), he corroborated PO Searcy in that they approached the males as a result of the radio run and because they matched the description provided. However, as PO Moore approached § 87(2)(b), PO Moore observed a crowd gathering so PO Moore directed his attention to watch the crowd, which he stated was approximately 10 feet from where he and PO Searcy were. PO Moore stated that § 87(2)(b) was part of this crowd of people and that he was screaming and causing a distraction, which led to § 87(2)(b) fleeing the scene. PO Moore stated that following this, PO Searcy approached § 87(2)(b) and spoke to him for a matter of seconds. PO Moore stated that he never interacted with either § 87(2)(b) or § 87(2)(b). The video footage did not depict a crowd gathering as PO Moore described and additionally, at approximately 56 seconds into the video footage, a male voice is heard stating, “He had his hands in my pocket,” as PO Searcy and PO Moore were walking away.

As noted above, both officers described their interaction with § 87(2)(b) and § 87(2)(b) as being brief before their attention was directed to § 87(2)(b). Additionally, § 87(2)(b) was unable to provide details about the officers’ interaction with either male and also described the interaction between the males and the officers as brief. During the interviews of PO Abdullah (encl. 52-55), PO Chung (encl. 59-62), and PO Zhang (encl. 66-68), they testified that they received a radio run of a dispute with a knife. However, the CCRB was unable to locate an NYPD SPRINT regarding the dispute, and neither § 87(2)(b) nor § 87(2)(b) cooperated with the investigation. At approximately 2 minutes into the video footage, PO Zhang is heard stating that § 87(2)(b) matched the description involving a fight with a knife and a male voice is heard stating, “It’s not him. It was someone else. But they left” (encl. 21-22). § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(g)

Allegation C: Discourtesy: PO Calvin Searcy spoke rudely to § 87(2)(b)

According to § 87(2)(b) (encl. 23-29), when he approached PO Searcy and PO Moore, PO Moore informed him that there was a call regarding a fight with a knife and that § 87(2)(b) should not be concerned. § 87(2)(b) argued that he should be concerned because the males he observed PO Moore and PO Searcy stop were his friends and he did not want to see anything happen to them. Following this, PO Searcy allegedly called § 87(2)(b) a “fool,” an “asshole,” and a “tough guy.” § 87(2)(b) alleged that PO Searcy repeatedly called him a “tough guy,” and § 87(2)(b) can be heard in the video footage stating that he is not a “tough guy” (encl. 21-22).

During PO Searcy’s CCRB interview (encl. 38-41) he stated that he did not recall calling § 87(2)(b) a “fool” or an “asshole,” and PO Moore denied that either he or PO Searcy called § 87(2)(b) a “fool” or an “asshole” (encl. 44-48).

Under NYPD Patrol Guide procedure 203-09, officers are required to be courteous and respectful to members of the public (encl. 1).

§ 87(2)(g)

§ 87(2)(g)

Allegation D: Force: PO Calvin Searcy used physical force against § 87(2)(b)

Allegation E: Force: PO Allen Moore used physical force against § 87(2)(b)

Allegation F: Abuse of Authority: PO Calvin Searcy improperly arrested § 87(2)(b)

It is undisputed that PO Searcy and PO Moore used physical force against § 87(2)(b) to effect his arrest, § 87(2)(g)

According to § 87(2)(b) (encl. 23-29), he observed PO Searcy and PO Moore approach § 87(2)(b) who then fled, and then approach § 87(2)(b). Shortly thereafter, PO Searcy and PO Moore began walking out of the park and then returned after overhearing § 87(2)(b) tell § 87(2)(b) about his interaction with the officers. When PO Searcy and PO Moore walked back towards them, PO Searcy told them to “shut up,” and § 87(2)(b) exclaimed that he was a grown man

and did not have to shut up. PO § 87(2)(b) continuously called § 87(2)(b) a tough guy and told § 87(2)(b) to put down his skateboard and prove that he was a tough guy. § 87(2)(b) stated that he was not going to do so. Following this, PO Searcy grabbed § 87(2)(b) near his coat zipper on his upper chest and shook him back and forth while telling § 87(2)(b) to prove to him that he was a tough guy. § 87(2)(b) asked PO Searcy to get his hands off of him and PO Searcy again shook him back and forth in the same manner. PO Searcy then requested § 87(2)(b)'s identification and § 87(2)(b) asked why he needed to provide identification. After repeated requests, PO Searcy reached for his handcuffs and § 87(2)(b) turned to walk away. At this point, PO Searcy and PO Moore grabbed § 87(2)(b) and pushed him backwards over a skateboard obstacle that was behind him. § 87(2)(b) fell to the ground onto his back.

According to PO Searcy (encl. 38-41), as he was interacting with § 87(2)(b) § 87(2)(b) approached inquiring about why the officers were interacting with § 87(2)(b) which ultimately led § 87(2)(b) to flee from the scene. Following this, PO Searcy asked § 87(2)(b) numerous times for his identification and upon § 87(2)(b)'s failure to provide his identification, PO Searcy informed § 87(2)(b) that he was going to be placed under arrest. PO Searcy reached for § 87(2)(b)'s arm and shoulder and § 87(2)(b) immediately resisted and waved his arms around, which PO Searcy also noted in the arrest report narrative (encl. 35-37). PO Searcy denied that he grabbed § 87(2)(b) near his upper chest and shook him back and forth and stated that he feared for his safety as a result of § 87(2)(b)'s behavior. As PO Searcy was grabbing § 87(2)(b) by his arm to handcuff him, PO Moore also grabbed for his arm to assist. It was during this time that PO Chung and PO Abdullah approached and assisted in handcuffing § 87(2)(b). PO Searcy stated that § 87(2)(b) fell to the ground and he was not pushed over the obstacle or to the ground. Similarly, during PO Moore's CCRB interview (encl. 44-48), he stated that as PO Searcy was interacting with § 87(2)(b) § 87(2)(b) approached and began questioning the officers' actions, which led to § 87(2)(b) fleeing the scene.

Additionally, PO Moore stated that there was a crowd that gathered with § 87(2)(b) and that they were all surrounding the officers as they interacted with § 87(2)(b) and § 87(2)(b). PO Moore stated that at the time PO Searcy determined that § 87(2)(b) was going to be placed under arrest, they reached for his arms as § 87(2)(b) began moving his arms away and attempting to get away from them. PO Moore stated that neither he nor PO Searcy grabbed § 87(2)(b) and pushed him back and forth. PO Moore stated that he and PO Searcy grabbed § 87(2)(b) by either side of § 87(2)(b)'s body and § 87(2)(b) moved backwards and from this momentum, they all fell to the ground. According to PO Abdullah (encl. 52-55), when he approached, he grabbed § 87(2)(b)'s arm in an attempt to handcuff him as other officers were making contact with § 87(2)(b). He stated that it was during this time that § 87(2)(b) fell backward onto the ground, but he denied that he or any officer pushed § 87(2)(b) to the ground. Similarly, PO Chung (encl. 59-62) stated that he had a hold of § 87(2)(b)'s arm and they somehow tripped over a skateboard obstacle and all fell to the ground. § 87(2)(b) was arrested and charged with disorderly conduct, obstruction of governmental administration, and resisting arrest. According to the criminal court transcripts from § 87(2)(b)'s court date following the incident, his case was adjourned in contemplation of dismissal (encl. 85-86).

NYPD Patrol Guide procedure 203-11 states that officers must use the minimum force necessary to effect an arrest (encl. 2-3). New York State Penal Law 195.05 states that a person is guilty of obstructing governmental administration when he intentionally obstructs, impairs, or perverts the administration of law or other governmental function or prevents or attempts to prevent a public servant from performing an official function by means of intimidation, physical force or interference (encl. a). New York State Penal Law 240.20 (1) states that a person is guilty of disorderly conduct when, with intent to cause public inconvenience, annoyance or alarm, or recklessly creates a risk thereof, engages in fighting or violent, tumultuous or threatening

behavior (encl. b). New York State Penal Law 205.30 states that a person is guilty of resisting arrest when he intentionally prevents or attempts to prevent a police officer from effecting an authorized arrest of himself or another person (encl. c).

§ 87(2)(g)

Allegation G: Force: Officers used physical force against § 87(2)(b)

It is undisputed that officers used physical force against § 87(2)(b) and that § 87(2)(b) resisted arrest after he was taken to the ground. § 87(2)(b) (encl. 23-29) stated that once he was taken to the ground he was turned from being on his back to his stomach by the officers. He resisted the officers' attempts to handcuff him by holding his arms in front of his body and "squirming" his body to pull away. During this struggle on the ground, § 87(2)(b) felt an officer strike him once in the ribcage and once in the groin. However, he could not attribute either of these actions to a particular officer. Additionally, as the officers were attempting to handcuff him, he heard them giving him verbal commands to stop resisting and he yelled back, "Resisting for what? Why are you doing this?" He was then handcuffed and lifted from the ground. At approximately 2 minutes and 4 seconds into the video footage provided by § 87(2)(b) he is observed on the ground and several officers are observed huddled over him. The video footage is dark and no strikes to § 87(2)(b) if they occurred, are visible (encl. 21-22).

The investigation determined that PO Searcy, PO Moore, PO Abdullah, and PO Chung were all physically involved in the handcuffing of § 87(2)(b). However, none of these officers acknowledged punching § 87(2)(b) in the groin or in the ribcage or observed another officer do so. However, all of the aforementioned officers described that § 87(2)(b) held his arms in front of his body and was moving around to prevent handcuffing.

According to NYPD Patrol Guide procedure 203-11, officers must use the minimum force necessary to effect an arrest (encl. 2-3).

§ 87(2)(g)

§ 87(2)(g)

Allegation H: Discourtesy: Officers spoke rudely to § 87(2)(b)

§ 87(2)(b) (encl. 23-29) stated that as the officers were trying to handcuff him, he resisted by pulling his hands underneath his body and by “squirming” his body around. It was during this time that he allegedly heard officers stating, “Turn the fuck around,” and “Stop fucking resisting.” § 87(2)(b) was unable to identify or describe who made the alleged statements. During the video footage (encl. 21-22) provided by § 87(2)(b) at approximately 2 minutes and 58 seconds, while § 87(2)(b) is already on the ground being handcuffed, a male voice is heard stating, “Shut the fuck up,” and “Put your hands behind your back,” and a few seconds later a male voice is heard stating, “Put your hands behind your fucking back.”

During the interviews of PO Searcy (encl. 38-41) and PO Moore (encl. 44-48), they denied making the above statements. During PO Chung’s CCRB interview (encl. 59-62) he stated that he may have made the statement, but was unsure if he used the word “fuck” when instructing § 87(2)(b) to stop resisting. During PO Abdullah’s CCRB interview (encl. 52-55) he stated that he may have told § 87(2)(b) to “Turn the fuck around,” but he did not remember stating as such. PO Abdullah admitted to stating “Stop fucking resisting,” however, the statement “stop fucking resisting” is not heard being said in the video footage. § 87(2)(g)

Allegation I: Discourtesy: PO Ismail Abdullah spoke rudely to § 87(2)(b)

Allegation J: Abuse of Authority: PO Ismail Abdullah threatened to arrest § 87(2)(b)

It is undisputed that PO Abdullah used discourteous language towards § 87(2)(b) and threatened to arrest him. During § 87(2)(b)’s CCRB interview (encl. 23-29), he provided video footage (encl. 21-22) to the undersigned investigator that captured these allegations. At approximately 4 minutes and 11 seconds into the video footage, a male voice, identified as the voice of § 87(2)(b) is heard stating, “Ya’ll ain’t right, yo. You wonder why cops get killed out there. It’s because of you guys, yo.” Following this, PO Abdullah approached § 87(2)(b) and stated, “Is that what you said? You threatened to kill us?” § 87(2)(b) did not make any statements during this time and PO Abdullah went on to state, “Shut the fuck up. If I ever hear you say some shit like that again, I’ll lock you up myself. Threatening to kill us. You coward, shut the fuck up. You’re a punk. That’s what you are. You’re a punk.” § 87(2)(b) did not make any statements following this and PO Abdullah then walked away.

During the CCRB interviews of PO Moore (encl. 44-48), PO Searcy (encl. 38-41), and PO Zhang (encl. 66-68), they did not recall this part of the incident or such an interaction occurring between any officer and any civilian that was present on the scene. Additionally, § 87(2)(b) did not observe this portion of the incident, but rather stated that he had only seen it after viewing the video footage. During PO Abdullah’s CCRB interview (encl. 52-55), he stated that he recalled § 87(2)(b) stating, “That’s why cops get killed out here.” He testified that he

approached § 87(2)(b) and asked him, “Are you making threats against me and my fellow officers?” § 87(2)(b) responded by telling PO Abdullah to get out of his face. PO Abdullah did not recall any other statements that were exchanged between himself and § 87(2)(b). PO Abdullah did not recall telling § 87(2)(b) to “shut the fuck up,” or telling him, “If you say some shit like that again, I’ll lock you up myself.” However, he stated that he recalled calling § 87(2)(b) a coward and stated that it was because he did not like the fact that he was making threats. During PO Abdullah’s CCRB interview, he was shown the video footage and identified himself as the officer heard on the video footage making the alleged statements. However, he noted that he did not recall making the statements during the incident. PO Abdullah stated that § 87(2)(b) could have been arrested for disorderly conduct because he made a threat against officers.

According to NYPD Patrol Guide procedure 203-09, officers are required to be courteous and respectful to members of the public (encl. 1).

§ 87(2)(g)

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Pod: _____

Investigator: _____
Signature Print Date

Supervisor: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date